

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

CHRISTOPHER SMITH,

Defendant.

No. 22-CR-685

ORDER

RONNIE ABRAMS, District Judge:

On April 23, 2024, the Court received a letter from defense counsel sent *ex parte* via email in response to the Court's order of April 10, 2024. The letter confirms that Mr. Ma continues to represent Mr. Smith. The letter also states that Mr. Smith seeks to withdraw his requests for a *Fatico* hearing. He also asks the Court to decline to consider the letters that Mr. Smith submitted *ex parte* and to file them under seal. (Since the Court's Order of April 10, 2024, the Court has received additional letters from Mr. Smith, dated April 5, 2024 and April 10, 2024. These letters have similarly been forwarded to Mr. Ma.) Unless requested otherwise, the Court will not consider Mr. Smith's recent letters with respect to sentencing, or for any further purpose. Because the letters are not relevant to the performance of a judicial function, they are not judicial documents. *See United States v. Sours Edwards*, No. 19-cr-64, 2020 WL 6151300, at *6–7 (S.D.N.Y. Oct. 20, 2020). As such, they may be withdrawn without being filed on the docket; they will instead be filed under seal. In addition, because counsel's letter contains privileged information regarding attorney-client communications, that letter shall also be filed under seal. *See United States v. Farooq*, No. 19-CR-100, 2020 WL 1083624, at *1 & n.2 (E.D.N.Y. Mar. 6, 2020).

SO ORDERED.

Dated: April 26, 2024
New York, New York



Ronnie Abrams
United States District Judge